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9 IN THE UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

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13
14 ANDREW LANCASTER, et al.
15 Plaintiffs

16 v.
17 MATTHEW CATE, et al.
18 Defendants.

19
20 FREDDIE FUIAVA,
21 Intervenor

22 No. C 79-01630 WHA

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**STIPULATION AND
PROPOSED ORDER
GRANTING PLAINTIFFS'
REQUEST FOR EXTENSION OF
TIME FOR PLAINTIFFS TO
FILE MOTION TO COMPEL
ATTORNEYS' FEES**

27 Hearing Date:
28 Hearing Time:
Place: Courtroom 9, 19th Floor

27 Stipulation and ORDER Granting Plaintiffs' Request for Extension of Time to File Mtn for Attorneys' Fees
28 *LANCASTER, ET AL. V. TILTON, ET AL.*,
CASE NO. C 79-1630 WHA

1 Plaintiffs and Defendants stipulate to an extension of time up to and including
2 August 29, 2008 for Plaintiffs' counsel to file their Motion to Compel Attorneys' Fees
3 related to fees and costs incurred by Plaintiffs' counsel during the period of February 15,
4 2008 through June 30, 2008.

5

6 Dated: July 23, 2008

/S/

7 E. Ivan Trujillo
8 Prison Law Office
Attorneys for Plaintiffs

9

10 Dated: July 23, 2008

Julianne Mossler
11 Julianne Mossler
12 Office of the Attorney General of the
13 State of California
14 Attorneys for Defendants

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16 For good cause shown, pursuant to stipulation, Plaintiffs' request for a thirty-day
17 extension of time for Plaintiffs to file Plaintiffs' Motion to Compel Attorneys' Fees up to
18 and including August 29, 2008 is GRANTED.

19

20 IT IS SO ORDERED.

21

22 Dated July 23 2008



23 THE HONORABLE WILLIAM H. ALSUP
24 UNITED STATES DISTRICT COURT JUDGE

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Stipulation and ORDER Granting Plaintiffs' Request for Extension of Time to File Mtn for Attorneys' Fees
Lancaster, et al. v. Tilton, et al.
CASE NO. C 79-1630 WHA

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16 IN THE UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

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19 ANDREW LANCASTER, et al.
20 Plaintiffs

21 v.
22 MATTHEW CATE, et al.
23 Defendants.

24
25 FREDDIE FUIAVA,

26 Intervenor

27 No. C 79-01630 WHA

28 DECLARATION OF E. IVAN
TRUJILLO IN SUPPORT OF
STIPULATION FOR
EXTENSION OF TIME FOR
PLAINTIFFS TO FILE MOTION
TO COMPEL ATTORNEYS'
FEES

Hearing Date:
Hearing Time:
Place: Courtroom 9, 19th Floor

29
30 Decl. of E. Trujillo ISO Stipulation for Extension of Time to File Motion to Compel Attorneys' Fees
31 *LANCASTER, ET AL. V. TILTON, ET AL.*,
32 *CASE NO. C 79-1630 WHA*

1 I, E. IVAN TRUJILLO, declare as follows:

2 1. I am an attorney admitted to practice in this state and before this Court. I am a
3 staff attorney for the firm appointed by this Court to represent the plaintiff class in the
4 above-entitled action.

5 2. This declaration is submitted pursuant to the requirements of Local Rule 6-2 in
6 support of the Stipulation filed herewith requesting a thirty-day extension of the deadline
7 to file Plaintiffs' Motion to Compel Attorney Fees for fees and costs incurred by
8 Plaintiffs' counsel for the period of February 15, 2008 through June 30, 2008, up to and
9 including August 29, 2008.

10 3. Pursuant to Local Rule 6-2(a)(1), the following are the particularized reasons
11 for the requested extension of time. The Court's January 1, 2007 Order re Procedure for
12 Attorney's Fees sets forth that any motion for attorneys' fees must be on a six-month
13 basis, within 30 days of the close of the six-month period, June 30 being the end of the
14 period (Docket No. 998). Plaintiffs therefore have until July 30, 2008 to file their Motion
15 to Compel Attorneys' Fees for fees and costs for the period of February 15, 2008 through
16 June 30, 2008.

17 4. My office completed the preparation of and submitted a request for payment of
18 attorneys' fees and costs to counsel for Defendants via email on July 22, 2008. I included
19 a request to meet and confer by Friday, July 25, 2008 on this new request for attorney fees
20 and costs. This morning I was informed by Deputy Attorney General Julianne Mossler
21 that the CDCR Legal Affairs division attorney, Kelly McClease, who is authorized to
22 meet and confer regarding the new request for fees is out of the office and would not be
23 available until next week.

24 5. Plaintiffs filed a Motion to Compel Attorneys' Fees on April 17, 2008 related to
25 fees for the period of January 1, 2007 through February 14, 2008. On July 14, 2008, the
26 Court granted Plaintiff's Motion to Compel Attorney fees and ordered parties to meet and

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1 confer regarding these fees and costs (Docket No. 1555). Pursuant to the Court's order,
 2 parties have been conferring regarding these matters.

3 6. Given the unavailability of the CDCR attorney authorized to meet and confer
 4 regarding Plaintiffs' most recent request for fees, in light of other ongoing fee-related
 5 negotiation pursuant to the Court's July 14, 2008 order (Docket No. 1555), a thirty-day
 6 extension of time to meet and confer on the new request for fees and costs would promote
 7 judicial efficiency and the potential resolution of these related matters.

8 7. I sent an email on July 23, 2008, to Deputy Attorney General Julianne Mossler
 9 who agreed to stipulate for extension of time for Plaintiffs' to file a Motion to Compel
 10 Attorneys' Fees. No other extension is sought at this time. The signed stipulation is filed
 11 herewith.

12 8. In accordance with Local Rule 6-2 (a)(2), in the time since this case was re-
 13 assigned to this Court, my understanding is that the following extensions of time or
 14 continuances have been granted: November 9, 2001 (Docket No. 788 [continuing case
 15 management conference]); August 20, 2004 (Docket No. 816 [continuing date for filing
 16 joint status statement]); March 24, 2006 (Docket No. 867 [extending time to file response
 17 to supplemental brief]); April 4, 2006 (Docket No. 882 [extending time to file opposition
 18 to motion to intervene]); January 19, 2007 (Docket No. 1001 [granting stipulation
 19 extending time to file enforcement motion]); April 12, 2007 (Docket No. 1074
 20 [continuing hearing and setting briefing schedule on enforcement and modification
 21 motions]); August 14, 2007 (Docket No. 1180 [granting Defendants' leave to late file
 22 Corrective Action Plan]); August 17, 2008 (Docket No. 1186 [extending time to file
 23 response to remedial plan]); September 5, 2007 (Docket No. 1215 [shortening time to file
 24 response to Plaintiffs' Motion to Postpone Effective Date of Automatic Stay]); September
 25 11, 2007 (Docket No. 1229 [granting extension of time to file opposition to motion to
 26 terminate consent decree]); October 22 and 23, 2007 (Docket No. 1260, 1261 [re-setting

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 28 LANCASTER, ET AL. V. TILTON, ET AL.,
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1 briefing and hearing on motion to terminate consent decree]); November 13, 2007
2 (Docket No. 1270 [granting motion for order shortening time for briefing on Plaintiffs'
3 motion to postpone effective date of automatic stay]); January 2, 2008 (Docket No. 1334
4 [granting Defendants' motion for order shortening time for briefing of Defendant's
5 motion for a protective order]); January 4, 2008 (Docket No. 1353 [granting Plaintiffs'
6 motion for order shortening time to hear Plaintiffs' motion for reasonable access]);
7 January 8, 2008 (Docket No. 1379 [granting Plaintiffs' motion for order shortening time
8 to hear motion to limit use of classmembers' criminal records]); January 8, 2008 (Docket
9 No. 1379 [granting Plaintiffs' motion for order shortening time to hear Plaintiffs' motion
10 for sanctions]); January 11, 2008 (Docket No. 1413 [granting Defendants' motion for
11 order shortening time to hear Defendants' motion to quash subpoena]); February 4, 2008
12 (Docket No. 1486 [granting stipulation extending time to file motion to compel attorneys'
13 fees]); April 28, 2008 (Docket No. 1529 [granting Defendants' request for continuance
14 and extending time for defendants' to file opposition to Plaintiffs' motion to compel
15 attorney fees]); and, June 5, 2008 (Docket No. 1549 [granting extension to file Plaintiffs'
16 reply to Defendants' opposition to Plaintiffs' motion to compel attorneys' fees).

17 9. Pursuant to Local Rule 6-2(a)(3), I state that the time modification requested
18 herein does not appear to otherwise effect the schedule of this case.

I declare under penalty of perjury that the forgoing is true and correct and that this declaration was executed on July 23, 2008, at Berkeley, California.

Dated: July 23, 2008

Respectfully Submitted,

By:

E. Ivan Trujillo
PRISON LAW OFFICE
Attorneys for Plaintiffs

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